

*Laws of Her Majesty's Province of United Canada*, passed in the year 1854. Quebec: Stewart Derbyshire and George Desbarts, 1854.

18 Victoria – Chapter 94

**An Act to amend the Act to provide for the formation of Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water. Assented to 30th May, 1855.**

Whereas it is expedient to provide for increasing, in certain cases, the Capital Stock of Joint Stock Companies, formed under the provisions of an Act passed in the sixteenth year of Her Majesty's Reign, chapter one hundred and seventy-three, and intituled, *An Act to provide for the formation of Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*, and otherwise to amend the provisions of the said above recited Act: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

I. That whenever or so often as a majority of the Directors of any Company, which shall be or shall remain incorporated under the provisions of the said above recited Act, shall be of opinion that the Capital Stock thereof is insufficient for the purposes for which the said Company was incorporated, it shall and may be lawful for them to call a- General Meeting of the Stockholders of such Company, giving at least ten days' notice of the time and place of Meeting, either by advertisement in one or more Newspapers published in the City, Town or Village where the operations of such Company shall be carried on, or by a circular addressed to each Stockholder, and mailed at least ten days previous to the time appointed for holding such Meeting. And it shall and may be lawful for the majority of the Stockholders, who may attend or be present at such meeting, to pass a By-law for increasing the Capital Stock of such Company to such amount as they may deem necessary for carrying out the purposes of such Company, (provided that the whole Capital shall not exceed the amount limited by the third section of the said above recited Act,) and for authorizing the raising of such additional Capital by increasing the number of Shares of Five pounds each, into which the Capital of such Company is or may be divided, and for enabling the Directors to receive Subscriptions for the whole or for any part of such additional Capital from any person or persons, bodies corporate or otherwise whatsoever, under such regulations as may be made by the Directors in that behalf.

II. And be it enacted, that the name of every Subscriber for any new or additional Stock so authorized to be subscribed for in any such Company, shall be forthwith entered as that of a Stockholder in the register of Stockholders of such Company, with the date of Subscription and number of Shares subscribed for; and thereupon such Stockholder shall become liable to the Directors of every such Company for the payment of the full amount subscribed in such instalments and at such times as the said Directors may be authorized to call the same in, and such Stockholder shall be subject to all the condition's, restrictions and liabilities, and entitled to ail the

rights, privileges, benefits and advantages to which the original Stockholders shall thenceforth be subject or entitled.

III. And be it enacted, that the Ninth Section of the said before recited Act, be and the same is hereby amended by omitting the words "Three months," and inserting in lieu thereof the words "One month," as the time which shall intervene between the calls for any two Instalments; provided that such amendment shall not apply to the Original Stock of any Company formed before the provisions of this Act shall come into force, but the said Ninth Section as so amended shall apply to the Stockholders of any new or additional Stock subscribed for in any such Company subsequently to this Act coming into force and under the authority thereof.

IV. And be it enacted, that the President or any three Directors of any such Company shall have power to call a Special General Meeting of the Stockholders thereof for any purpose, giving at least ten days' notice thereof by advertisement in one or more Newspapers published in the City, Town or Village where the business of the Company is carried on, or by circular mailed to the address of each Stockholder at least ten days previous to the time appointed for holding such Meeting.

V. And be it enacted, that a majority of Stockholders of any such Company present at any Special General Meeting shall have power to make and enact such By-laws as in the said before recited Act were authorized to be made and enacted by such Companies, and shall also have power to make By-laws for the following purposes:

18t. For increasing or diminishing the number of Directors for managing the affairs of such Company, provided that the number shall not exceed nine including the Mayor of the Municipality holding Stock in said Company to the amount of two thousand five hundred pounds or upwards, as prescribed by the third proviso to the fourth sub-section of the fifteenth section of the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to amend the Municipal Acts of Upper Canada*, nor be less than three including such Mayor, and for determining the number of Shares it shall be necessary for a Stockholder to hold to qualify him to act as a Director. Provided always that a majority of the number of Directors mentioned in such By-law shall constitute a quorum for the transaction of business.

2nd. For providing for the payment of Directors or for the appointment of one or more paid Directors.

3rd. For amending, altering or repealing any By-law of such Company, made under the authority of this or any other Act of Parliament passed or to be passed hereafter.

VI. And be it enacted, that when any such Company shall have laid down Main Pipes for the supply of Gas or of Water in or through any of the Streets, Squares or Public Places of any City, Town or Village, it shall not be lawful for any other person or persons whatsoever, bodies corporate or politic, without the consent of such Company first had and obtained, nor otherwise than upon payment to such Company of such compensation as may be agreed upon, to lay down any Main Pipe for the supply of Gas or Water within six feet thereof, or when it shall be

impracticable to cut drains for such Main Pipes at a greater distance, then as nearly six feet as the circumstances of the case will admit.

VII. And be it enacted, that the said first before recited Act be further amended by omitting the words "Trustee" or "Trustees," wherever the same may occur in the said Act, and by inserting in lieu thereof the words "Director," or "Directors" provided that in all proceedings which may have been had or taken under the said Act, or in or about any Company incorporated thereunder, the word "Trustees," wherever the same shall occur, or shall have occurred, shall be taken to be and be construed to mean the Directors.

VIII. And be it enacted, that the Forty-third section of the said first before recited Act shall be incorporated with this Act, and apply equally to the provisions thereof.